



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/11/06

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of Ordinances Related to the South Hayward BART/Mission Boulevard Concept Design Plan Including Associated Amendments to the General Plan and Zoning Ordinances

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinances.

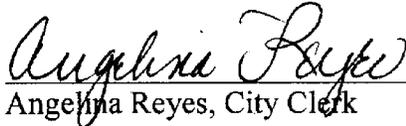
BACKGROUND:

The ordinances were introduced at the June 27, 2006, meeting of the City Council with the following vote:

AYES:	Council Members:	Jimenez, Halliday, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	Quirk
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

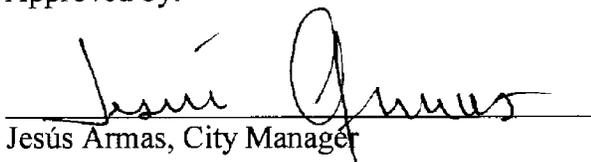
The ordinances were published in the Hayward Daily Review on July 5, 2006. Adoption at this time is therefore appropriate.

Prepared by:



Angelina Reyes, City Clerk

Approved by:



Jesús Armas, City Manager

Draft Ordinances

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE, RELATING TO THE ADOPTION OF THE SOUTH HAYWARD BART/MISSION BOULEVARD CONCEPT DESIGN PLAN

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. This City Council incorporates by reference the findings contained in Resolution No. 06-089, approving the text changes requested in Zone Change Application PL-2006-0282TA, as related to the adoption of the South Hayward BART/Mission Boulevard Concept Design Plan.

Section 2. Section 10-1.2220 of the City's Zoning Ordinance, relating to conditionally permitted uses in the Open Space/Parks and Recreation Zoning District (OS) is hereby amended to read as follows:

"b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are conditional uses permitted in the OS District subject to the approval of a conditional use permit:

Special use facilities. (Examples: sports parks or complexes, golf courses (including miniature golf), water slides, indoor soccer, batting cages, bowling facilities, billiard parlors, zoos, nature centers)."

Section 3. Section 10-1.1015(a) of the City's Zoning Ordinance, relating to primary uses in the General Commercial Zoning District (CG) is hereby amended to include the following language in subsection (2): "(Dealership selling primarily new vehicles, when all minimum design standards are and when located along Mission Blvd. between Highland/Sycamore and 700 feet south of Harder Road)."

Section 4. Section 10-1.1020(a)(7) of the City's Zoning Ordinance, relating to uses permitted with an administrative use permit in the General Commercial Zoning District (CG) is hereby amended to read as follows:

"7. Other Uses.

- (a) Ambulance service.
- (b) Animal grooming service.
- (c) Animal hospital
- (d) Auction.
- (e) Banquet hall. (Where abutting a residential district or property but no where alcohol is served)
- (f) Carnival.
- (g) Catering facility (Where abutting a residential district or property)
- (h) Commercial amusement facility.
- (i) Cultural facility.
- (j) Day care center (state-licensed, less than 24-hour care for children or adults, 15 or more persons excluding staff. See definitions)
- (k) Educational facility.
- (l) Flea market.

- (m) Kennel.
- (n) Mortuary.
- (o) Outdoor gathering. (Refer to General Regulations Section 10-1.2735h.)
- (p) Passenger terminal.
- (q) Recreational facility.
- (r) Religious facility.
- (s) Sign shop.
- (t) Temporary use. (i.e., parking lot or tent sale)
- (u) Wind energy conversion system.”

Section 5. The second paragraph of Section 10-1.1045 of the City’s Zoning Ordinance, relating to minimum design and performance standards in the General Commercial Zoning District (CG) is hereby amended to read as follows:

“Commercial Buildings and Uses.

For commercial buildings and use, refer to the design criteria contained in the City of Hayward design Guidelines, applicable Special Design Districts, the Hillside Design and Urban/Wildland Interface Guidelines and the following specific criteria and standards:”.

Section 6. The caption of Section 10-1.1045(h) of the City’s Zoning Ordinance, relating to minimum design and performance standards in the General Commercial Zoning District (CG) is hereby amended to read as follows: “h. Automobile Dealerships (New, located on Mission Boulevard between 700 feet south of Harder Road and Highland/Sycamore.”

Section 7. The following definition is hereby added to Section 10-1.3510 of the City’s Zoning Ordinance: “MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR). A land use zoning district which allows the development of multiple-family dwellings at high densities along Mission Boulevard, in order to provide opportunities for higher density housing near a major transit corridor. See Section 10-1.550.”

Section 8. The following definition is hereby added to Section 10-1.3510 of the City’s Zoning Ordinance: “STATION AREA RESIDENTIAL DISTRICT (SAR). A land use zoning district which includes the development of multiple family dwellings at high densities, along with neighborhood serving businesses and public facilities in proximity to the South Hayward BART Station, in order to provide opportunities for transit-oriented development with ready access to shops and transit. See Section 10-1.650.”

Section 9. Subsection (a) of Section 10-1.3510 of the City’s Zoning Ordinance, relating to the definition for “Dwelling Unit,” is hereby repealed and, in substitution thereof, a new definition for Apartment/multiple family dwelling(s) is hereby enacted to read as follows: “Apartment/multiple family dwelling(s): Any building, group of buildings, or portion thereof which includes two or more dwelling units, and which are intended as ownership units, or in the case of apartments, rental or for lease units. Apartment/multiple family dwelling projects may include private recreational facilities. See Sections 10-1.400 and 10-1.500 for requirements.”

Section 10. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Section 11. Should any portion of this ordinance be declared by court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not effect the validity of the remainder of the ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance absent the excised portion, can be reasonably interpreted to give effect to the intentions of the City Council

Introduced at a meeting of the Hayward City Council held June 27, 2006, the above-entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on July 11, 2006, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: July 5, 2006

Angelina Reyes, City Clerk
City of Hayward

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 10 OF THE HAYWARD
MUNICIPAL CODE AND ADOPTING NEW OFF-STREET PARKING REGULATIONS

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. This City Council incorporates by reference the findings contained in Resolution No. 06-089, approving the text changes requested in Zone Change Application PL-2006-0282TA, as related to the adoption of the South Hayward BART/Mission Boulevard Concept Design Plan.

Section 2. Upon the adoption of this ordinance, Article 2 of Chapter 10 of the Hayward Municipal Code, relating to the City's Off-Street Parking Regulations is hereby repealed and, in substitution thereof, a new Article 2 of Chapter 10 of the Hayward Municipal Code is hereby enacted to read as set forth in Exhibit "A" incorporated herein by reference (available in the City Clerk's Office).

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at a meeting of the Hayward City Council held June 27, 2006, the above-entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on July 11, 2006, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: July 5, 2006

Angelina Reyes, City Clerk
City of Hayward

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE AND CREATING THE STATION AREA RESIDENTIAL ZONING DISTRICT (SAR), THE MISSION BOULEVARD RESIDENTIAL ZONING DISTRICT (MBR) AND THE SOUTH HAYWARD BART/MISSION BOULEVARD SPECIAL DESIGN DISTRICT (SD-6)

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. This City Council incorporates by reference the findings contained in Resolution No. 06-089, approving the text changes requested in Zone Change Application PL-2006-0282TA, as related to the adoption of the South Hayward BART/Mission Boulevard Concept Design Plan.

Section 2. Upon the adoption of this ordinance, Sections 10-1.550 through 10-1.595 of Article 1 of Chapter 10 of the Hayward Municipal Code, creating the Mission Boulevard Residential Zoning District (MBR), are hereby enacted to read as set forth in Exhibit "A" incorporated herein by reference (available in the City Clerk's Office).

Section 3. Upon the adoption of this ordinance, Sections 10-1.650 through 10-1.685 of Article 1 of Chapter 10 of the Hayward Municipal Code, creating the Station Area Residential Zoning District (SAR) are hereby enacted to read as set forth in Exhibit "B" incorporated herein by reference (available in the City Clerk's Office).

Section 4. Upon the adoption of this ordinance, Section 10-1.2635 of Article 1 of Chapter 10 of the Hayward Municipal Code, creating the South Hayward BART/Mission Boulevard Special design District (SD-6) is hereby enacted to read as set forth in Exhibit "C" incorporated herein by reference (available in the City Clerk's Office).

Section 5. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 6. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at a meeting of the Hayward City Council held June 27, 2006, the above-entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on July 11, 2006, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: July 5, 2006

Angelina Reyes, City Clerk
City of Hayward

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 10 OF THE HAYWARD
MUNICIPAL CODE AND ADOPTING NEW REGULATIONS FOR THE NEIGHBORHOOD
COMMERCIAL RESIDENTIAL ZONING DISTRICT

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. This City Council incorporates by reference the findings contained in Resolution No. 06-089, approving the text changes requested in Zone Change Application PL-2006-0282TA, as related to the adoption of the South Hayward BART/Mission Boulevard Concept Design Plan.

Section 2. Upon the adoption of this ordinance, Article 1 of Chapter 10 of the Hayward Municipal Code, Sections 10-1.900 through 10-1.945, relating to the City's Neighborhood Commercial Residential Zoning District are hereby repealed and, in substitution thereof, new regulations for the City's Neighborhood Commercial Residential Zoning District are hereby enacted to read as set forth in Exhibit "A" incorporated herein by reference (available in the City Clerk's Office).

Section 3. Section 10-1.3510 of the City's Zoning Ordinance, relating to the definition for "Neighborhood Commercial – Residential District (CN-R)," is hereby repealed and, in substitution thereof, a new definition is hereby enacted to read as follows: "A land use zoning district with a mix of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. Section 10-1.900."

Section 4. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 5. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at a meeting of the Hayward City Council held June 27, 2006, the above-entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on July 11, 2006, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: July 5, 2006

Angelina Reyes, City Clerk
City of Hayward

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTIES LOCATED IN THE SOUTH
HAYWARD BART/MISSION BOULEVARD AREA PURSUANT TO ZONE CHANGE
APPLICATION PL-2006-0281ZC

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Reclassification.

Zone Change Application No. PL-2006-0281ZC concerns reclassification of multiple properties affected by the South Hayward BART/Mission Boulevard Concept Design Plan (the "Properties"), by rezoning such properties as set forth in Exhibit "A" attached hereto and made a part hereof (available in the City Clerk's Office).

The City Council has previously adopted Resolution No. 06-089, approving the text changes requested in Zone Change Application PL-2006-0282TA, as related to the adoption of the South Hayward BART/Mission Boulevard Concept Design Plan. Based on such findings and determinations, the City Council hereby approves the rezoning of the Properties as set forth in Exhibit "A" (available in the City Clerk's Office).

In addition, the City Council also directs the Director of Community and Economic Development to amend the Zoning District Index Map on file with the Clerk and the Community and Economic Development Department in accordance with the reclassification approved by this Ordinance.

Section 2. Effective Date. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Introduced at a meeting of the Hayward City Council held June 27, 2006, the above-entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on July 11, 2006, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: July 5, 2006

Angelina Reyes, City Clerk
City of Hayward